REMARKS/ARGUMENTS

Applicants have amended Claims 1, 11, 23 and 24. No new matter was added by these amendments. Claims 1-26 remain in this application. Applicants request reconsideration of this application in view of the above amendments and these remarks and arguments.

The Examiner has rejected Claims 1-5, 10 and 23-25 under 35 U.S.C. 102(e) as being anticipated by Tsirtsis (US 2004/0148428 A1). Applicants traverse these rejections. Applicants submit that Tsirtsis fails to disclose all of the limitations recited in Claims 1, 23 and 24 and included by dependency in Claims 2-5, 10 and 25. A brief summary of Tsirtsis will aid in understanding why this reference does not anticipate Claims 1-5, 10 and 23-25.

Tsirtsis explicitly states in paragraph [0006] regarding the purpose of the invention disclosed within this reference that "In order to increase system flexibility it would be beneficial if Mobile IPv4 and Mobile IPv6 _signaling between a home agent node and a foreign agent node_ could be supported without having to establish separate Mobile IPv4 and Mobile IPv6 tunnels between a mobile node's home agent and foreign agent." To accomplish this purpose, Tsirtsis discloses in paragraph [0014] that "In accordance with one feature of the invention, messages used to establish a tunnel, e.g., _between a home agent and either a foreign agent or end node_ such as a mobile node, include first and second mobile IP home addresses, where the formats of the two home addresses are different." Moreover, Tsirtsis further discloses in paragraph [0016] that "In the case where the different addresses correspond to different versions of IP, this results, in accordance with the present invention, in IP packets corresponding to different versions of IP _being transmitted by the home agent through a single tunnel_ through the use of, e.g., encapsulation."

Claims 1, 23 and 24 have been amended to clarify that local routing of at least one datagram for a mobile node is "_without the at least one datagram being tunneled through a mobility server_ [e.g., a home agent]." However, as demonstrated by the passages above, the routing disclosed in Tsirtsis is based on tunneling through a home agent. Language in Tsirtsis,

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e.g., paragraph [0038], which was cited by the Examiner further supports Applicants' reading of

Tsirtsis and Applicants' corresponding arguments. More particularly, paragraph [0038] states

"Based on that state, *the home agent creates an IPv4 tunnel 512 with source the address being its*

own home agent IPv4 address and the destination address the IPv4 care-of address. Packets sent

to any of the home addresses, e.g.: IPv4 packets 520 and/or IPv6 packets 530, *are encapsulated*

in IPv4 tunnel 512 by the home agent 550 and sent to node 540."

Accordingly, Tsirtsis fails to disclose the limitations recited in amended Claim 1 and

included by dependency in Claims 4-5, 10 and 25 of "determining, based upon at least one

condition, that the edge mobility agent can perform local routing of at least one datagram for said

first mobile node without the at least one datagram being tunneled through a mobility server; and

instructing said edge mobility agent to perform local routing of at least one datagram between

said first mobile node and a second mobile node that has a second care-of address that is known

to said edge mobility agent." For the same reasons, Applicants submit that Tsirtsis fails to

disclose the limitations recited in Claims 23 and 24 of "determining, based upon at least one

condition, that local routing of at least one datagram can be performed by the edge mobility

agent for said first mobile node, without the at least one datagram being tunneled through a

mobility server; and notifying a [mobility server, e.g. home agent] that local routing of at least

one datagram can be performed by the edge mobility agent between said first mobile node and a

second mobile node that has a second care-of address that is known to said edge mobility agent."

For these reasons, Applicants submit that Tsirtsis does not anticipate Claims 1-5, 10 and

23-25 and that these claims are allowable.

The Examiner has rejected Claims 6-9 under 35 U.S.C. 103(a) as being unpatentable over

Tsirtsis, in view of Perkins, et al. (Route Optimization in Mobile IP), hereafter referred to as

Perkins. Applicants traverse these rejections. As argued above, Tsirtsis fails to disclose the

limitations recited in amended Claim 1 (that are included by dependency in Claims 6-9) of

"determining, based upon at least one condition, that the edge mobility agent can perform local

routing of at least one datagram for said first mobile node without the at least one datagram

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being tunneled through a mobility server; and instructing said edge mobility agent to perform local routing of at least one datagram between said first mobile node and a second mobile node that has a second care-of address that is known to said edge mobility agent." However, although Perkins teaches local routing of at least one datagram without the at least one datagram being tunneled through a home agent, Perkins does not teach or suggest the limitations recited in amended Claim 1 and included by dependency in Claims 6-9 of "determining, based upon at least one condition, that the *edge mobility agent can perform local routing of at least one datagram for said first mobile node* . . . and *instructing said edge mobility agent to perform local routing of at least one datagram between said first mobile node and a second mobile node*." Instead Perkins teaches local routing by a correspondent node of its own datagrams to a mobile node, instead of mobile node to mobile node local routing by an edge mobility agent as is recited in amended Claim 1. More specifically, Perkins states in the Introduction that "Route optimization extensions provide a means for nodes to cache the binding of a mobile node and to then tunnel their own datagrams directly to the care-of address indicated in that binding, bypassing the mobile node's home agent." Moreover, a correspondent node appears to *automatically* perform local routing to a mobile node if it has cached the mobile node's care of address, in accordance with Perkins. Therefore, Perkins does teach or suggest that an instruction to an edge mobility agent is needed. Nor does Perkins even suggest that an instruction to the correspondent node is needed to perform local routing.

The Examiner has further rejected Claims 11-22 and 26 stating that these claims are corresponding method claims of method claims 1-10 and 25 and are therefore rejected under the same rationale. Applicants traverse these rejections. Amended Claim 11 recites similar limitations as amended Claims 1, 23 and 24. Thus for the same reasons above with respect to Claims 1, 23 and 24, Claims 11-22 and 26 are neither anticipated by Tsirtsis nor rendered obvious by the combination of Tsirtsis and Perkins. Therefore, Applicants submit that Claims 11-22 and 26 are also in a condition for allowance.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.
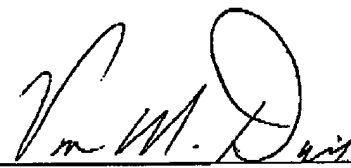
Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

By: _____

Valerie M. Davis
Attorney of Record
Reg. No.: 50,203

Telephone: 847-576-6733
Fax No.: 847-576-0721

SEND CORRESPONDENCE TO:

Motorola, Inc.
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

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